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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,919	08/06/2008	Tatsuhiko Nagata	1958.1004	1652
21171 7590 11/02/2010 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
SANEL MONA M				
ART UNIT		PAPER NUMBER		
2882				
MAIL DATE		DELIVERY MODE		
11/02/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,919

Applicant(s)

NAGATA, TATSUHIKO

Examiner

MONA M. SANEI

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 8, 9 and 12-22 is/are rejected.
- 7) ☒ Claim(s) 2-7, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings were received on September 13, 2010. These drawings are acceptable.

Claim Objections

2. Claims 1-22 are objected to because of the following informalities:

- Claim 1, line 11, recites “an axial direction thereof”; and

Claim 2, line 6, recites “an axial direction of the drive shaft”.

Perhaps clarifiers such as first and second should be used to distinguish the axial directions.

- Claim 1, line 11, recites “an axial direction thereof”;

Claim 2, line 6, recites “an axial direction of the drive shaft”; and

Claim 10, line 6, recites “an axial direction of the support shaft”.

Perhaps clarifiers such as first, second, and third should be used to distinguish the axial directions.

- Claims 3-9 and 11-22 are objected to by virtue of their dependencies.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In claim 1, line 11, “the aperture leaf” lacks proper antecedent basis insofar as it is unclear which of the plurality of aperture leaves is being referenced.
- In claim 1, last two lines, “the aperture leaf” lacks proper antecedent basis insofar as it is unclear which of the plurality of aperture leaves is being referenced.
- In claim 19, line 2, “the aperture leaf” lacks proper antecedent basis insofar as it is unclear which of the plurality of aperture leaves is being referenced.
- In claim 21, lines 2-3, “the aperture leaf” lacks proper antecedent basis insofar as it is unclear which of the plurality of aperture leaves is being referenced.
- Claims 2-18, 20, and 22 are rejected by virtue of their dependencies.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

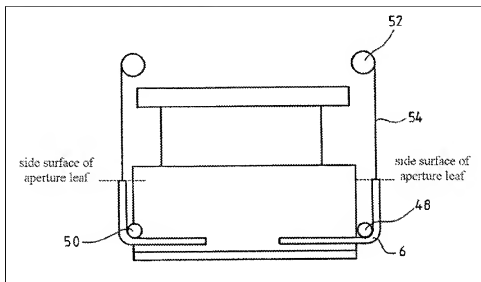
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8, 12, 13, and 15-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Saladin et al. (US 2002/0126799).
- Regarding claim 1, Saladin et al. teaches a system comprising:
 - a plurality of aperture leaves (4, 6, 8, 10) each having a circumferential shape (as shown in fig. 4, the plurality of aperture leaves adopt a circumferential shape near the rollers 48, 50);
 - a driver section (para 0019, last sentence; para 0014, lines 6-10); and
 - a flexible linear member (54), one end thereof being secured to at least one aperture leaf (fig. 4; para 0019, lines 16-17) and the other end being connected to the driver section (para

0019, last sentence; para 0014, lines 6-10), the driver section being configured to drive the flexible linear member in an axial direction thereof to cause movement of the aperture leaf (fig. 4), wherein

the aperture leaves are arranged in a thickness direction thereof adjacent to each other (fig. 4), the one end of the flexible linear member is secured to an outer circumferential surface of the at least one aperture leaf (examiner takes the position that the top horizontal portion of the aperture leaf (4, 6, 8, 10) to which the flexible linear member (54) is attached is an outer circumferential surface (fig. 4) insofar as it is point outward and it is a surface of an element having a circumferential shape), and the driver section drives the flexible linear member while increasing or decreasing a contact portion between the flexible linear member and the outer circumferential surface of the aperture leaf (examiner takes the position that as the flexible linear member is driven, the contact portion between the flexible linear member and the outer circumferential surface increases or decreases insofar as the contact portion moves up (thereby “increasing” in position; para 0019, lines 16-23; fig. 4) and moves down (thereby “decreasing” in position)) by warping the flexible linear member (para 0019, lines 16-18; fig. 4).

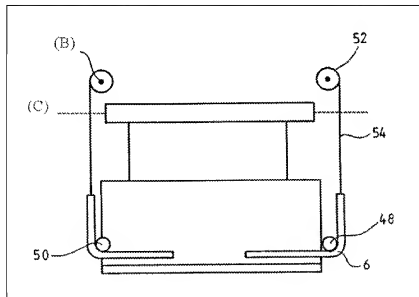
- Regarding claim 8, Saladin et al. teaches that the aperture leaf is rectangular (see figs. 1 and 4; para 0020, first sentence).
- Regarding claim 12, Saladin et al. teaches that the aperture leaves are arranged in the thickness direction (see figs. 2 and 4) so that the aperture leaves freely move through rolling elements (48, 50), and wherein a side surface of each aperture leaf protrudes in the thickness direction to form a holding portion which holds each rolling element (see 1st modified fig. 4 below).



- 1st modified fig. 4 -

- Regarding claim 13, Saladin et al. teaches that the holding portion forms at least one of a straight line and a curve to hold each rolling element (see fig. 4).
- Regarding claim 15, Saladin et al. teaches that holding portions are disposed at different positions with respect to the irradiation direction (as shown in fig. 4, the holding portions of aperture leaves 6 and 10 are disposed at a position higher than the holding portions of the aperture leaves 4 and 8 with respect to the irradiation direction), and are repeatedly disposed at an identical position in units of a specific number of the aperture leaves (as shown in fig. 4, the holding portions of the two aperture leaves 6 and 10 are at identical positions and the holding portions of the two aperture leaves 4 and 8 are at identical positions).
- Regarding claim 16, Saladin et al. teaches that the holding portion is a shielding portion (para 0013, lines 8-9) which prevents radiation from passing through a space between the aperture leaves adjacent to each other (see fig. 4).

- Regarding claim 17, Saladin et al. teaches a shielding portion (46) which shields radiation in an opening between the aperture leaves adjacent to each other (see figs. 3 and 4; para 0018).
- Regarding claim 18, Saladin et al. teaches that linear members respectively secured to the aperture leaves adjacent in the thickness direction differ in axial direction (as shown in the 2nd modified fig. 4 below, the axial direction (B), perpendicular to the plane of the figure, of the linear members 54 of the aperture leaves 6 and 10 differ from the axial direction (C) of the linear members 54 of the aperture leaves 4 and 8. To further support this position, examiner would like to point to paragraph 0019, lines 17-18 which states, "... wires 54, which are secured to the shutters to be wound onto the drums").



- 2nd modified fig. 4 -

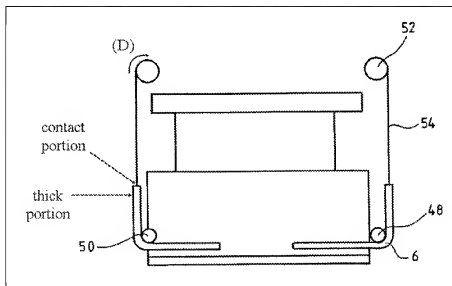
- Regarding claim 19, Saladin et al. teaches that the driver section drives the aperture leaf (para 0019, last sentence; para 0014, lines 6-10) of which the axial direction of the linear member is set to be identical in units of a specific number of the linear members (as shown in the 2nd modified fig. 4 above, the axial direction of the linear member 54 of aperture leaf 6 is

identical to the axial direction of the linear member 54 of aperture leaf 10; and the axial direction of the linear member 54 of aperture leaf 4 is identical to the axial direction of the aperture leaf 8).

- Regarding claim 20, Saladin et al. that linear members respectively secured to the aperture leaves adjacent in the thickness direction differ in axial direction (as shown in the 2nd modified fig. 4 above, the axial direction (B), perpendicular to the plane of the figure, of the linear members 54 of the aperture leaves 6 and 10 differ from the axial direction (C) of the linear members 54 of the aperture leaves 4 and 8. To further support this position, examiner would like to point to paragraph 0019, lines 17-18 which states, "... wires 54, which are secured to the shutters to be wound onto the drums") and are identical in axial direction in units of a specific number of the linear members (as shown in the 2nd modified fig. 4 above, the axial direction of the linear member 54 of aperture leaf 6 is identical to the axial direction of the linear member 54 of aperture leaf 10; and the axial direction of the linear member 54 of aperture leaf 4 is identical to the axial direction of the aperture leaf 8), and that the irradiation field limiting device includes a plurality of driver units (para 0019, last sentence; para 0014, lines 6-10) each of which includes a plurality of driver sections (para 0019, last sentence; para 0014, lines 6-10) which respectively drive the linear members of which the axial directions are set to be identical in units of a specific number of the linear members (see 2nd modified fig. 4 above; paras 0014 and 0019).
- Regarding claim 21, Saladin et al. teaches a linear member holding portion (52) which holds the linear member between the aperture leaf and the driver section (para 0019, last sentence; para 0014, lines 6-10) so that the linear member moves in the axial direction (along the vertical lengths of the linear members 54 shown in fig. 4) to prevent the linear member from

buckling (the tension created in the linear member as a result of being wound onto the drum 52 prevents buckling of the linear member; para 0019).

- Regarding claim 22, Saladin et al. teaches that the linear member drives the at least one aperture leaf while contacting the thick portion (fig. 4; para 0019, lines 16-17; see 3rd modified fig. 4 below), is preliminarily bent in a direction (D, 3rd modified fig. 4 below) away from a contact portion between the linear member and the thick portion (see 3rd modified fig. 4 below), and presses a portion (52) in contact with the thick portion (via the linear member 54) so that the linear member is prevented from buckling (the tension created in the linear member as a result of being wound onto the drum 52 prevents buckling of the linear member; para 0019).



- 3rd modified fig. 4 -

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saladin et al. (US 2002/0126799) as applied to claim 1 above.

- Regarding claim 9, Saladin et al. teaches a device as recited above. Saladin et al. further teaches that the linear member comprises a continuous wire (para 0019, line 16-18).

However, Saladin et al. fails to teach that the wire is metal.

Metal wires are notoriously known in the art and are routinely used by skilled artisans due to their durability. Further, applicant has not stated that any long standing or stated problem in the art is solved by using a wire that is metal.

Therefore, absent any showing of criticality, it would have been an obvious matter of design choice to one having ordinary skill in the art at the time of the invention to modify the device of Saladin et al. to employ a metal wire since one would have been motivated to provide a more durable wire.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saladin et al. (US 2002/0126799) as applied to claim 12 above, and further in view of Miyano (JP 07-204284 A).

- Regarding claim 14, Saladin et al. teaches a device as recited above. Saladin et al. further teaches that the rolling element (48, 50) provided on an inner side of the aperture leaf is disposed at a position close to the radiation source (see figs. 2 and 4).

However, Saladin et al. fails to teach that another rolling element is provided on an outer side of the aperture leaf disposed at a position away from the radiation source.

Miyano teaches an irradiation field limiting device that comprises both a rolling element (13) provided on an inner side of an aperture leaf (31) that is disposed at a position close to the

radiation source (1) as well as another rolling element (13) provided on an outer side of the aperture leaf that is disposed at a position away from the radiation source (see fig. 1)

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device of Saladin et al. as suggested by Miyano since one would have been motivated to make such a modification to provide better support and guidance for the aperture leaves, thereby improving the overall stability of the device.

Allowable Subject Matter

7. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

- Regarding claim 2, the prior art fails to teach or fairly suggest an irradiation limiting device wherein the driver section includes a base, a drive shaft connected with a driving source through a connection portion and inserted into the base, and a slider which moves along an axial direction of the drive shaft accompanying rotation of the drive shaft and is connected with the linear member, in combination with all the other limitations of the claim.
- Claims 3-7, 10, and 11 contain allowable subject matter by virtue of their dependencies.

Response to Amendment

8. By virtue of the drawing replacement sheets and amendments to the specification, the drawing objections set forth in the Non-Final Rejection mailed May 12, 2010, have been overcome.

9. By virtue of the amendments to the claims, the claim objections set forth in the Non-Final Rejection mailed May 12, 2010, have been overcome.

10. By virtue of the amendments to the claims, all but the following 35 U.S.C. § 112 ¶2 claim rejections set forth in the Non-Final Rejection mailed May 12, 2010, have been overcome:

- 1st bullet on page 5 of the Non-Final Rejection Office action
- 8th bullet on page 5 of the Non-Final Rejection Office action

11. The amendment to claim 1 introduces the phrase “the driver section being configured to drive the flexible linear member in an axial direction thereof”. For examination purposes, it has been assumed that the axial direction is that of the flexible linear member. However, if applicant intended the axial direction to be that of the driver section, then an amendment to the claim is suggested to clarify the distinction.

Response to Arguments

12. Applicant's arguments filed September 13, 2010, have been fully considered but they are not persuasive.

- Applicant asserts that Saladin et al. fails to teach each the features in claim 1 (pg. 9). Examiner respectfully disagrees. As set forth in the 35 U.S.C. § 102 rejection of claim 1 above, Saladin et al. teaches each of the features in claim 1. Below is a breakdown of several of these key features and examiner's position:

→ “...the one end of the flexible linear member is secured to an outer circumferential surface of the at least one aperture leaf”. Here, examiner takes the position that the top horizontal portion of the aperture leaf (4, 6, 8, 10) to which the flexible linear member

(54) is attached is an outer circumferential surface (fig. 4) insofar as it is point outward and it is a surface of an element having a circumferential shape.

→ “...the driver section drives the flexible linear member while increasing or decreasing a contact portion between the flexible linear member and the outer circumferential surface of the aperture leaf”. Here, examiner takes the position that as the flexible linear member is driven, the contact portion between the flexible linear member and the outer circumferential surface increases or decreases insofar as the contact portion moves up (thereby “increasing” in position; para 0019, lines 16-23; fig. 4) and moves down (thereby “decreasing” in position).

→ “...by warping the flexible linear member”. Saladin et al. teaches that the flexible linear members (54) are wound onto the drum (para 0019, lines 16-18; fig. 4).

- Applicant asserts that Saladin et al. merely discloses employing four shutters 4, 6, 8, and, 10 and, thus can only provide a rectangular irradiation area (pg. 9). Examiner would like to respectfully point out that these features upon which applicant relies are not recited in the rejected claim. It is noted that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. For this reason, applicant’s assertion is not persuasive and the rejection is being maintained.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONA M. SANEI whose telephone number is (571)272-8657. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mona M Sanci/
Examiner, Art Unit 2882

/Hoon Song/
Primary Examiner, Art Unit 2882